

Attorney Docket No.: 27656/38053

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) I hereby certify that this paper is being Applicant: ) deposited with the United States Postal ) Service as first class mail, postage HAFEN, Ernst ) prepaid, in an envelope addressed to: Serial No.: 10/019,098 ) Commissioner for Patents, Washington, DC 20231 on this date: Filed: December 20, 2001 February 14, 2002 For: IN VIVO MODEL SYSTEM FOR TYPE-2 DIABETES Group Art Unit: Not yet assigned ) Reg. No. 31,879 ) Attorney for Applicant Examiner: Not yet assigned

## ASSERTION OF SMALL ENTITY STATUS UNDER 37 C.F.R. §1.27(c) AND REQUEST FOR REFUND UNDER §1.28

Commissioner for Patents Washington, DC 20231

Sir:

The undersigned hereby asserts, in accordance with 37 C.F.R. §1.27(c)(1) and (c)(2)(i), that small entity status is entitled to be asserted in this application. Small entity status should therefore be established in the application.

The applicant also hereby respectfully requests a refund of \$571.00 for the overpayment of the utility application filing fee for a large entity paid December 20, 2001. The small entity fee of \$571.00 should have been submitted. This refund request is made in accordance with 37 C.F.R. \$1.28(a) and (b). This refund request is timely filed within three months of the mistaken payment of the large entity filing fee.

The Commissioner is hereby authorized to credit the refund to Deposit Account No. 13-2855 of the applicant's representative. Respectfully submitted, MARSHALL, GERSTEIN & BORUN 6300 Sears Tower 233 South Wacker Drive Chicago, Illinois 60606-6357 (312) 474-6300 Reg. No. 31,879 Attorney for Applicant February 14, 2002